

SENATE BILL No. 36

DIGEST OF INTRODUCED BILL

Citations Affected: None (noncode).

Synopsis: Ballot language for constitutional amendments. Establishes the ballot language for the submission of three amendments to the Constitution of the State of Indiana concerning: (1) the general assembly's election of a governor and the temporary exercise of the governor's duties and powers when the offices of the governor and lieutenant governor are vacant; (2) uniform start dates for terms for county constitutional officers; and (3) the exemption of certain property from taxation. (The introduced version of this bill was prepared by the code revision commission.)

Effective: Upon passage.

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November 18, 2003, read first time and referred to Committee on Elections and Civic Affairs.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 36

A BILL FOR AN ACT concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. [EFFECTIVE UPON PASSAGE] (a) **The amendment**
2 **to Article 5, Section 10 of the Constitution of the State of Indiana**
3 **agreed to by the One Hundred Twelfth General Assembly**
4 **(P.L.188-2002) and the One Hundred Thirteenth General Assembly**
5 **(P.L.280-2003) shall be submitted to the electors of the state at the**
6 **2004 general election in the manner provided for the submission of**
7 **constitutional amendments under IC 3.**

8 (b) **Under Article 16, Section 1 of the Constitution of the State**
9 **of Indiana, which requires the general assembly to submit**
10 **constitutional amendments to the electors at the next general**
11 **election after the general assembly agrees to the amendment**
12 **referred to it by the last previously elected general assembly, and**
13 **in accordance with IC 3-10-3, the general assembly prescribes the**
14 **form in which the public question concerning the ratification of**
15 **this state constitutional amendment must appear on the 2004**
16 **general election ballot as follows:**

17 **"PUBLIC QUESTION #1**

18 **Shall Article 5, Section 10 of the Constitution of the State of**

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IN 36—LS 6115/DI 102+



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Indiana be amended to provide as follows? If the office of governor and the office of lieutenant governor are both vacant:

(1) when either house of the General Assembly is unable to assemble a quorum because of vacancies in membership, the General Assembly shall convene to elect a governor not later than forty-eight hours after a sufficient number of vacancies are filled to provide a quorum of the members in each house; and

(2) another available state official, according to the following descending order, is temporarily authorized to discharge the governor's duties and powers:

(A) The speaker of the house of representatives.

(B) The president pro tempore of the senate.

(C) The treasurer of state.

(D) The auditor of state.

(E) The secretary of state.

(F) The state superintendent of public instruction."

(c) This SECTION expires January 1, 2005.

SECTION 2. [EFFECTIVE UPON PASSAGE] (a) The amendment to Article 6, Section 2 of the Constitution of the State of Indiana agreed to by the One Hundred Twelfth General Assembly (P.L.187-2002) and the One Hundred Thirteenth General Assembly (P.L.279-2003) shall be submitted to the electors of the state at the 2004 general election in the manner provided for the submission of constitutional amendments under IC 3.

(b) Under Article 16, Section 1 of the Constitution of the State of Indiana, which requires the general assembly to submit constitutional amendments to the electors at the next general election after the general assembly agrees to the amendment referred to it by the last previously elected general assembly, and in accordance with IC 3-10-3, the general assembly prescribes the form in which the public question concerning the ratification of this state constitutional amendment must appear on the 2004 general election ballot as follows:

"PUBLIC QUESTION #2

Shall Article 6, Section 2 of the Constitution of the State of Indiana be amended to allow the General Assembly to establish a uniform date for the beginning of the terms of the county offices of clerk of the circuit court, auditor, recorder, treasurer, sheriff, coroner, and surveyor?"

(c) This SECTION expires January 1, 2005.

SECTION 3. [EFFECTIVE UPON PASSAGE] (a) The amendment

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1 to Article 10, Section 1 of the Constitution of the State of Indiana
 2 agreed to by the One Hundred Twelfth General Assembly
 3 (P.L.189-2002) and the One Hundred Thirteenth General Assembly
 4 (P.L.278-2003) shall be submitted to the electors of the state at the
 5 2004 general election in the manner provided for the submission of
 6 constitutional amendments under IC 3.

7 (b) Under Article 16, Section 1 of the Constitution of the State
 8 of Indiana, which requires the general assembly to submit
 9 constitutional amendments to the electors at the next general
 10 election after the general assembly agrees to the amendment
 11 referred to it by the last previously elected general assembly, and
 12 in accordance with IC 3-10-3, the general assembly prescribes the
 13 form in which the public question concerning the ratification of
 14 this state constitutional amendment must appear on the 2004
 15 general election ballot as follows:

16 "PUBLIC QUESTION #3

17 Shall Article 10, Section 1 of the Constitution of the State of
 18 Indiana be amended to allow the General Assembly to exempt any
 19 property of the following types from property taxation?

20 (1) Inventory.

21 (2) Tangible personal property used in the production of
 22 income.

23 (3) Tangible real property used as a primary residence by an:

24 (A) owner;

25 (B) individual who is buying the tangible real property
 26 under a contract; or

27 (C) individual who has a beneficial interest in the owner of
 28 the tangible real property.".

29 (c) This SECTION expires January 1, 2005.

30 SECTION 4. An emergency is declared for this act.

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